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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

BETTY ROBINSON, ET AL.

CIVIL ACTION NO. 06-0005

VERSUS

JUDGE ROBERT G. JAMES

CHEETAH TRANSPORTATION, ET AL.

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

On November 14, 2006, Magistrate Judge Karen L. Hayes issued a Memorandum Ruling on Second Motion to Remand [Doc. No. 91], which denied Plaintiffs' Motion to Remand [Doc. No. 62].

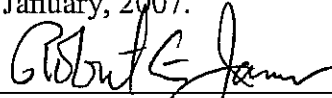
Pending before the Court is Plaintiffs' appeal of Magistrate Judge Hayes' Ruling [Doc. No. 92].

The Fifth Circuit has not addressed what standard of review should be applied to a district court's review of a magistrate judge's ruling on a motion to remand. However, district courts in this circuit have generally found that a motion to remand is a non-dispositive pretrial matter and have applied the clearly erroneous/contrary to law standard of review pursuant to 28 U.S.C. § 636(b)(1)(A) and Fed. R. Civ. P. 72(a). *See, e.g., Lonkowski v. R.J. Reynolds Tobacco Co.*, No. Civ. A. 96-1192, 1996 WL 888182, at \*2-4 (W.D. La. Dec. 10, 1996); *Vaquillas Ranch Co., Ltd. v. Texaco Exploration and Prod., Inc.*, 844 F. Supp. 1156, 1162 (S.D. Tex. 1994); *Bethay v. Ford Motor Co.*, No. Civ. A. 99-0367, 1999 WL 496488, at \*1 (E.D. La. July 13, 1999). This Court has similarly adhered to the view that motions to remand are non-dispositive pretrial matters.

Having conducted a review of the entire record, the Court finds that, under the facts and

circumstances of this case, Magistrate Judge Hayes' Ruling was not clearly erroneous nor contrary to law. Plaintiffs' appeal is DENIED, and Magistrate Judge Hayes' Ruling is AFFIRMED.

MONROE, LOUISIANA, this 3 day of January, 2007.

A handwritten signature in black ink, appearing to read "Robert G. James", written over a horizontal line.

ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE